

Message

From: Rapicavoli, Emmanuelle [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FF3604A98B624BB7A1A9A236EC176998-ERAPICAV]
Sent: 10/26/2017 2:50:47 PM
To: Jeff Mansfield [jlmansfield1981@gmail.com]
Subject: RE: 2017 EPA DW TWSA Guideline: TMF capacity checklist

Hi Jeff,

Thank you for your email. I apologize I was on vacation and now traveling for work so haven't had a chance to respond. I hope your meeting with our enforcement staff went well yesterday.

I'm encouraged to learn that you are making progress on the MOAs with the HUC. I understand your concerns about the user rates and yet to be determined price per gallon cost of HAMP water. And I recognize that these proposed cost increases are significant. However in the long term, the life cycle cost of the HAMP alternative was lower than the treatment alternative and I believe it to be a more cost effective solution to the arsenic problem.

EPA and other federal agencies can only fund capital improvements. As such, we cannot subsidize O+M costs of operating the HAMP which are largely driving the increased user price.

Once HAMP water is delivered to FMCV, the current costs of operating your water system will decrease. Notably, you will no longer have electrical costs from pumping. You will only be responsible for sampling TCR, Lead and Copper, and DBPs in the distribution system. All well head sampling will be done by the HUC. While this will not entirely offset the increased cost of purchased water, I would not think that the costs would be entirely additive of your current costs.

I will be back in the office next week and would be happy to talk with you then. Just let me know a time that would work.

Thank you,

Emmanuelle

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Please: All data submittals to our office should be sent by email to datamanager@epa.gov with a copy to me (or your project manager in the Drinking Water Office). Data reports are due no later than the 10th of the month following the month that you receive results, or the 10th of the month following the compliance period, whichever comes first. Please include the whole lab report and copy of the Chain of Custody. Label with PWS name and number; & source or distribution system location codes or names for data collection points.

From: Jeff Mansfield [mailto:jlmansfield1981@gmail.com]
Sent: Friday, October 20, 2017 4:15 PM
To: Rapicavoli, Emmanuelle <Rapicavoli.Emmanuelle@epa.gov>
Subject: 2017 EPA DW TWSA Guideline: TMF capacity checklist

Emmanuelle,

We've made some headway w/ the HUC's MOU. On 10/17/17, FMCV, Hopi Tribe's Gen. Counsel, Ms. Think-Elk and Tim Bodell had a very productive meeting that basically resulted in Mr. Sidney providing Tim Bodell, with a "Redlined" MOU pertaining to FMCV's PWS#400106 and HAMP.

Personally, I was somewhat alleviated w/ this development, but Mr. Sidney did provide me w/ his "Redlined" MOU to review today, and thus is the reason for my email today.

Before I start, I am attaching the most recent EPA DWTWA 2017 Guideline doc. as a reference source. On pages 19-23, it addresses the PWS's TMF Capacity requirements and expectations for EPA TSA funds grantee/HUC. Again, I emphasize the present day evaluation of the HUC/Tribe (per the 9/6/17 meeting minutes, HUC/Tribe only owns 2 PWS: the Hopi Cultural Center, and the Hopi Veterans Center, both of which, lack residential connections) as compared to the FMCV PWS#400106. I am confident that this is a factual observation in terms of the HUC/Tribe's lack of sufficient TMF capacity.

With that said, I am now inserting language w/n the HUC's MOU that is specified strictly for the FMCV PWS#400106 w/ the HUC and as I "red line" this document, I've come to assume that all matters concerning the HUC is legal "watertight"/pro-HUC, but as it pertains to the villages, at least the FMCV PWS, the notion of ambiguity/ open-endedness/gray area/open for interpretation and modifications is obviously apparent and in my opinion, this is just my opinion, very bias and one-sided.

I feel that I've developed somewhat of a rapore' w/ you, therefore I am expressing my concerns as a Consultant for FMCV, and w/ the approaching deadline of November 2017, for FMCV to sign onto the HAMP "again", I would "informally" suggest that EPA DW 9 address these issues such as:

1) the estimated HUC fee of \$49.82 in "ADDITION" to the Village PWS fees. For FMCV that would constitute our current monthly fee of \$25 which would "ultimately equate" to a projected "user fee"/ on average of \$74.82 which is slightly higher than the 2014 HAMP PER projected user cost of \$67.52. A difference of \$7.30 higher? This concern is troublesome in my opinion, due to the statement of \$48.52 estimation, w/ the following sentence stating that the Village fees are excluded from this estimation.

2) the FMCV MOU stating that the legal contractual obligation of a unknown price per gallon rate (HUC) is Legally Binding w/ penealties associated w/ this MOU, also unknown, for a period of 40 YEARS! Ok, if FMCV currently chareges \$25 now, and HUC estimating a monthly fee of their own that is double the amount of the current FMCV \$25, it is safe to assume that the current price per gallon rate, and the small business FMCV rate is also going to be doubled, the enormous profit margin that the HUC expects to produce over a: montly, annually, and over the life of the HAMP loan, which would be 40years....is extremely excessive when one considers both the Mission statements of the EPA and the IHS, let alone the USDA-RD's. Here's some initital estimations:

A) 491 residents x \$75 (HUC and FMCV fees)=\$36,825 x 12months=\$441,900yr.

B) Small Business (\$65 FMCV current fee) @\$130 each x 4=\$520 a month x 12
=\$6,240

C) Fed. Facilities (\$.0085 per gallon current avg. a
month)=\$18,480

2(HUC)=\$36,960mon. x 12=\$443,520 a year

FOR A ANNUAL PROJECT Income for just the Polacca community=\$891,660 a YEAR
x 40yrs

40years=\$35,666,400 or \$35.7m

\$35.7m vs. \$14.1m (HAMP remaining Capital Cost)

In short, this is what the FMCV community maybe held Legally Liable for if the current provisions and language of the HUC/HTI MOU are accepted as is.

I am expressing these concerns on behalf of my client, the FMCV PWS#400106, in hopes of influancing EPA DW 9, IHS Eastern District, USDA Phoenix Office, and epseically, the Polacca Community members, to produce more "end-user" friendly terms, provisions, and financial obligations for my client's consituents, aka the Polacca people.

We've (HUC, Village PWS's affected by Aresinic, & FMCV) come too far in this EPA DW 9 Compliance feasco to have all efforts of all parties affected, to ultimately fall through primarily based on the Hopi Tribe's finanical shortfalls, greed, public inconsiderations, and intendional/anticipated "profiteering" on the 1st and 2nd Mesa's Drinking Water Health issues with Aresinic MCL exceedance. I have not yet shared these details w/ Mr.

Sidney at the present time, but I do reassure you Emmanuelle that I will and I hope to have some positive, productive feed back from your office/EPA DW 9.

As exhibited by Mr. Sidney on multiple occasions, FMCV can and is willing to work w/ entites such as the HUC, the HWRP, ect. but not at the expense (huge finanical expense) of a "already inpoveryish people", such as the community members of the FMCV.

He's a statiscal fact, the Hopi Tribe (on-rez) has maintianed a consistent unemplolymnt rate for decades at or around 49%-55% where the most recent Household income survey (conducted by the OCPED w/ the Hopi Foundation in 2015) of 3,000+ Hopis, reported a Median Household Income of only \$13,000 per year.

Lastly, I ask the question.."can the people of the Hopi 1st and 2nd Mesa Villages really afford this"? I think this would make a great meida investagative report, and believe me, I have consistantly adviced Mr. Sidney to seek non-Hopi media coverage like the Navajo Times, or the AZ Republic ect...

I have founded my career around the issues of my community, therefore I would state that I not only serve in the best interest of my client, FMCV, but I have a higher sense of civic duty as well, to those young and old, and ESPECIALLY to those "yet to come", cause I can affirm that those "yet to come" the children, are going to be the ones who bare this finaical burden, just so the Hopi Tribe can have a few more dollars to wastefully spend (e.g \$100k for the Cultral Center's Filters). I hope this emailed is not construede as anything other than my own personal, and professional assessment of what we call HAMP. Thanks and have a wonderful weekend.

Jeff Mansfield

FMCV Consultant